

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN DOUGLAS SUNDQUIST,

Plaintiff,

vs.

STATE OF NEBRASKA, et. al;

Defendants.

8:14CV220

ORDER

The defendants have moved to file an Amended Answer which adds the affirmative defense of absolute immunity as to Plaintiff's claims against Defendants Vierk and Schuldt. (Filing No. 27). The plaintiff opposes the motion stating, among other things, that “[n]one of the Defendants' actions were taken while fulfilling their duties in either a judicial or legislative capacity,” and therefore they are not entitled to absolute immunity. (Filing No. 32).

“A motion raising a substantial issue of law must be supported by a brief filed and served together with the motion.” NECivR7.1(a)(1)(A). Although the defendants' motion to amend raises substantial issues of law, the defendants have failed to file a supporting brief.

Accordingly,

IT IS ORDERED:

- 1) The defendants' motion to file an amended answer, (Filing No. 27), is denied without prejudice to re-filing in accordance with the court's local rules.
- 2) Plaintiff's objection to the motion to amend, (Filing No. 32), is denied as moot.

September 17, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge